

L. 107-295, title IV, §405(a)(1), Nov. 25, 2002, 116 Stat. 2115; amended Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314.)

#### AMENDMENTS

2002—Subsec. (a). Pub. L. 107-296, which directed amendment of section 674 of this title by substituting “of Homeland Security” for “of Transportation” in introductory provisions, was executed to this section, to reflect the probable intent of Congress and the renumbering of section 674 of this title as this section by Pub. L. 107-295, see below.

Pub. L. 107-295 renumbered section 674 of this title as this section.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

#### § 676. Search and rescue center standards

(a) The Secretary shall establish, implement, and maintain the minimum standards necessary for the safe operation of all Coast Guard search and rescue center facilities, including with respect to the following:

(1) The lighting, acoustics, and temperature in the facilities.

(2) The number of individuals on a shift in the facility assigned search and rescue responsibilities (including communications), which may be adjusted based on seasonal workload.

(3) The length of time an individual may serve on watch to minimize fatigue, based on the best scientific information available.

(4) The scheduling of individuals having search and rescue responsibilities to minimize fatigue of the individual when on duty in the facility.

(5) The workload of each individual engaged in search and rescue responsibilities in the facility.

(6) Stress management for the individuals assigned search and rescue responsibilities in the facilities.

(7) The design of equipment and facilities to minimize fatigue and enhance search and rescue operations.

(8) The acquisition and maintenance of interim search and rescue command center communications equipment.

(9) Any other requirements that the Secretary believes will increase the safe operation of the search and rescue centers.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that the Secretary should establish, implement, and maintain minimum standards necessary to ensure that an individual on duty or watch in a Coast Guard search and rescue command center facility does not work more than 12 hours in a 24-hour period, except in an emergency or unforeseen circumstances.

(c) **DEFINITION.**—For the purposes of this section, the term “search and rescue center facility” means a Coast Guard shore facility that maintains a search and rescue mission coordination and communications watch.

(d) **REPORT TO CONGRESS.**—The Secretary shall provide a quarterly written report to the Senate Committee on Commerce, Science, and Trans-

portation and the House of Representatives Committee on Transportation and Infrastructure, describing the status of implementation of the standards described in subsection (b), including a list of the facilities at which such standards have or have not been implemented.

(Added Pub. L. 107-295, title IV, §405(a)(2), Nov. 25, 2002, 116 Stat. 2115.)

#### PRESCRIPTION OF STANDARDS

Pub. L. 107-295, title IV, §405(b), Nov. 25, 2002, 116 Stat. 2116, provided that: “The Secretary shall prescribe the standards required under section 675(a) [676(a)] of title 14, United States Code, as enacted by subsection (a) of this section, before January 1, 2003.”

### CHAPTER 18—COAST GUARD HOUSING AUTHORITIES

Sec.	
680.	Definitions.
681.	General authority.
682.	Loan guarantees.
683.	Leasing of housing to be constructed.
684.	Limited partnerships in nongovernmental entities. <sup>1</sup>
685.	Conveyance or lease of existing property and facilities.
686.	Assignment of members of the armed forces to housing units.
687.	Coast Guard Housing Fund.
688.	Reports.
689.	Expiration of authority.

#### § 680. Definitions

In this chapter:

(1) The term “construction” means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

(2) The term “contract” includes any contract, lease, or other agreement entered into under the authority of this chapter.

(3) The term “military unaccompanied housing” means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

(4) The term “United States” includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, and the District of Columbia.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3909.)

#### § 681. General authority

(a) **AUTHORITY.**—In addition to any other authority providing for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary may exercise any authority or any combination of authorities provided under this chapter in order to provide for the acquisition or construction by private persons, including a small business concern qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)), of the following:

(1) Family housing units on or near Coast Guard installations within the United States and its territories and possessions.

<sup>1</sup> So in original. Does not conform to section catchline.

(2) Unaccompanied housing units on or near such Coast Guard installations.

(b) **LIMITATION ON APPROPRIATIONS.**—No appropriation shall be made to acquire or construct military family housing or military unaccompanied housing under this chapter if that acquisition or construction has not been approved by resolutions adopted by the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3909; amended Pub. L. 107-295, title IV, §402(a), Nov. 25, 2002, 116 Stat. 2113.)

#### AMENDMENTS

2002—Subsec. (a). Pub. L. 107-295 inserted “, including a small business concern qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)),” after “private persons” in introductory provisions.

### § 682. Loan guarantees

(a) **LOAN GUARANTEES.**—

(1) Subject to subsection (b), the Secretary may guarantee a loan made to any person in the private sector if the proceeds of the loan are to be used by the person to acquire, or construct housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

(A) 80 percent of the value of the project; or

(B) the outstanding principal of the loan.

(3) The Secretary shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of the United States with respect to such guarantees.

(4) The funds for the loan guarantees entered into under this section shall be held in the Coast Guard Housing Fund under section 687 of this title. The Secretary is authorized to purchase mortgage insurance to guarantee loans in lieu of guaranteeing loans directly against funds held in the Coast Guard Housing Fund.

(b) **LIMITATION ON GUARANTEE AUTHORITY.**—Loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriations Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7))) which shall be available for the disbursement of payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of guarantees made under this section.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3910.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 687 of this title.

### § 683. Leasing of housing to be constructed

(a) **BUILD AND LEASE AUTHORIZED.**—The Secretary may enter into contracts for the lease of military family housing units or military unaccompanied housing units to be constructed under this chapter.

(b) **LEASE TERMS.**—A contract under this section may be for any period that the Secretary determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3910.)

### § 684. Limited partnerships with nongovernmental entities

(a) **LIMITED PARTNERSHIPS AUTHORIZED.**—The Secretary may enter into limited partnerships with nongovernmental entities carrying out projects for the acquisition or construction of housing units suitable for use as military family housing or as military unaccompanied housing.

(b) **LIMITATION ON VALUE OF INVESTMENT IN LIMITED PARTNERSHIP.**—(1) The cash amount of an investment under this section in a nongovernmental entity may not exceed an amount equal to 33½ percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

(2) If the Secretary conveys land or facilities to a nongovernmental entity as all or part of an investment in the entity under this section, the total value of the investment by the Secretary under this section may not exceed an amount equal to 45 percent of the capital cost (as determined by the Secretary) of the project or projects that the entity proposes to carry out under this section with the investment.

(3) In this subsection, the term “capital cost”, with respect to a project for the acquisition or construction of housing, means the total amount of the costs included in the basis of the housing for Federal income tax purposes.

(c) **COLLATERAL INCENTIVE AGREEMENTS.**—The Secretary shall enter into collateral incentive agreements with nongovernmental entities in which the Secretary makes an investment under this section to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the investment.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3911.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 687 of this title.

### § 685. Conveyance or lease of existing property and facilities

(a) **CONVEYANCE OR LEASE AUTHORIZED.**—The Secretary may convey or lease property or facilities (including ancillary support facilities) to private persons for purposes of using the proceeds of such conveyance or lease to carry out activities under this chapter.

(b) **TERMS AND CONDITIONS.**—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary considers appropriate for the purposes of this chapter and to protect the interests of the United States.

(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) may enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

(c) **INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.**—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

(1) Subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(2) Section 1302 of title 40.

(3) The McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.).

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3911; amended Pub. L. 106-400, §2, Oct. 30, 2000, 114 Stat. 1675; Pub. L. 107-217, §3(c)(4), Aug. 21, 2002, 116 Stat. 1299.)

#### REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (c)(1), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Act is classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (c)(3), is Pub. L. 100-77, July 22, 1987, 101 Stat. 482, as amended, which is classified principally to chapter 119 (§11301 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

#### AMENDMENTS

2002—Subsec. (c)(1). Pub. L. 107-217, §3(c)(4)(A), substituted “Subtitle I of title 40 and title III of the” for “The” and “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

Subsec. (c)(2). Pub. L. 107-217, §3(c)(4)(B), substituted “Section 1302 of title 40” for “Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (47 Stat. 412, chapter 314; 40 U.S.C. 303b)”.

2000—Subsec. (c)(3). Pub. L. 106-400 substituted “McKinney-Vento Homeless Assistance Act” for “Stewart B. McKinney Homeless Assistance Act”.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 687, 688 of this title.

### § 686. Assignment of members of the armed forces to housing units

(a) **IN GENERAL.**—The Secretary may assign members of the armed forces to housing units acquired or constructed under this chapter.

(b) **EFFECT OF CERTAIN ASSIGNMENTS ON ENTITLEMENT TO HOUSING ALLOWANCES.**—(1) Except

as provided in paragraph (2), housing referred to in subsection (a) shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403(e) of title 37.

(2) A member of the armed forces who is assigned in accordance with subsection (a) to a housing unit not owned or leased by the United States shall be entitled to a basic allowance for housing under section 403 of title 37.

(c) **LEASE PAYMENTS THROUGH PAY ALLOTMENTS.**—The Secretary may require members of the armed forces who lease housing in housing units acquired or constructed under this chapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3912; amended Pub. L. 106-398, §1 [[div. A], title X, §1087(g)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A-293.)

#### AMENDMENTS

2000—Subsec. (b)(1). Pub. L. 106-398, §1 [[div. A], title X, §1087(g)(3)(A)], substituted “section 403(e)” for “section 403(b)”.

Subsec. (b)(2). Pub. L. 106-398, §1 [[div. A], title X, §1087(g)(3)(B)], substituted “a basic allowance for housing under section 403 of title 37” for “a basic allowance for quarters under section 403 of title 37, and, if in a high housing cost area, a variable housing allowance under section 403a of that title”.

### § 687. Coast Guard Housing Fund

(a) **ESTABLISHMENT.**—There is hereby established on the books of the Treasury an account to be known as the Coast Guard Housing Fund (in this section referred to as the “Fund”).

(b) **CREDITS TO FUND.**—There shall be credited to the Fund the following:

(1) Amounts authorized for and appropriated to that Fund.

(2) Subject to subsection (e), any amounts that the Secretary transfers, in such amounts as provided in appropriation Acts, to that Fund from amounts authorized and appropriated to the Department of Homeland Security or Coast Guard for the acquisition or construction of military family housing or unaccompanied housing.

(3) Proceeds from the conveyance or lease of property or facilities under section 685 of this title for the purpose of carrying out activities under this chapter with respect to military family and military unaccompanied housing.

(4) Income from any activities under this chapter, including interest on loan guarantees made under section 682 of this title, income and gains realized from investments under section 684 of this title, and any return of capital invested as part of such investments.

(c) **USE OF AMOUNTS IN FUND.**—(1) In such amounts as provided in appropriation Acts and except as provided in subsection (d), the Secretary may use amounts in the Coast Guard Housing Fund to carry out activities under this chapter with respect to military family and military unaccompanied housing units, including activities required in connection with the planning, execution, and administration of contracts entered into under the authority of this chapter.

(2) Amounts made available under this subsection shall remain available until expended.

(d) **LIMITATION ON OBLIGATIONS.**—The Secretary may not incur an obligation under a contract or other agreements entered into under this chapter in excess of the unobligated balance, at the time the contract is entered into, of the Fund required to be used to satisfy the obligation.

(e) **NOTIFICATION REQUIRED FOR TRANSFERS.**—A transfer of appropriated amounts to the Fund under subsection (b)(2) or (b)(3) of this section may be made only after the end of a 30-day period beginning on the date the Secretary submits written notice of, and justification for, the transfer to the appropriate committees of Congress.

(f) **LIMITATION ON AMOUNT OF BUDGET AUTHORITY.**—The total value in budget authority of all contracts and investments undertaken using the authorities provided in this chapter shall not exceed \$40,000,000.

(g) **DEMONSTRATION PROJECT AUTHORIZED.**—To promote efficiencies through the use of alternative procedures for expediting new housing projects, the Secretary—

(1) may develop and implement a demonstration project for acquisition or construction of military family housing and military unaccompanied housing on or near the Coast Guard installation at Kodiak, Alaska;

(2) in implementing the demonstration project, shall utilize, to the maximum extent possible, the contracting authority of the Small Business Administration's section 8(a) program;

(3) shall, to the maximum extent possible, acquire or construct such housing through contracts with small business concerns qualified under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) that have their principal place of business in the State of Alaska; and

(4) shall report to Congress by September 1 of each year on the progress of activities under the demonstration project.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3912; amended Pub. L. 107-295, title IV, §402(b), (c), Nov. 25, 2002, 116 Stat. 2114; Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314.)

#### AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (f). Pub. L. 107-295, §402(b), substituted “\$40,000,000” for “\$20,000,000”.

Subsec. (g). Pub. L. 107-295, §402(c), added subsec. (g).

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 682 of this title.

### § 688. Reports

The Secretary shall include each year in the materials the Secretary submits to the Congress

in support of the budget submitted by the President pursuant to section 1105 of title 31, the following:

(1) A report on each contract or agreement for a project for the acquisition or construction of military family or military unaccompanied housing units that the Secretary proposes to solicit under this chapter, describing the project and the method of participation of the United States in the project and providing justification of such method of participation.

(2) A report describing each conveyance or lease proposed under section 685 of this title.

(3) A methodology for evaluating the extent and effectiveness of the use of the authorities under this chapter during such preceding fiscal year.

(4) A description of the objectives of the Department of Homeland Security for providing military family housing and military unaccompanied housing for members of the Coast Guard.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3913; amended Pub. L. 107-296, title XVII, §1704(a), Nov. 25, 2002, 116 Stat. 2314.)

#### AMENDMENTS

2002—Par. (4). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

#### FINAL REPORT

Section 208(b) of Pub. L. 104-324 provided that: “Not later than March 1, 2000, the Secretary of the department in which the Coast Guard is operating shall submit to the Congress a report on the use by the Secretary of the authorities provided by chapter 18 of title 14, United States Code, as added by subsection (a). The report shall assess the effectiveness of such authority in providing for the construction and improvement of military family housing and military unaccompanied housing.”

### § 689. Expiration of authority

The authority to enter into a transaction under this chapter shall expire October 1, 2007.

(Added Pub. L. 104-324, title II, §208(a), Oct. 19, 1996, 110 Stat. 3913; amended Pub. L. 107-295, title IV, §402(d), Nov. 25, 2002, 116 Stat. 2114.)

#### AMENDMENTS

2002—Pub. L. 107-295 substituted “2007” for “2001”.

## CHAPTER 19—ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM

Sec.

690. Definitions.

691. Environmental Compliance and Restoration Program.

692. Environmental Compliance and Restoration Account.

693. Annual Report to Congress.

### § 690. Definitions

For the purposes of this chapter—

(1) “environment”, “facility”, “person”, “release”, “removal”, “remedial”, and “re-